

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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SELENA THOMPSON, JON M.	)	Case File No. 18-cv-06755
STEWART, CHRISTINE OST, and	)	
JACOB MANNING, on behalf of	)	
themselves and all other employees	)	<b>STP DEFENDANTS' NOTICE OF</b>
similarly situated,	)	<b>MOTION TO STAY</b>
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
JIMMY JOHN'S FRANCHISE, LLC,	)	
JIMMY JOHN'S ENTERPRISES, LLC,	)	
JIMMY JOHN'S, LLC, SPIN THE	)	
PLANET, INC., STP JJ TEAM 1, LLC,	)	
d/b/a SPIN THE PLANET	)	
ENTERPRISES, d/b/a JIMMY JOHN'S,	)	
WTE, INC., and DANIEL	)	
VANSTEENBURG,	)	
	)	
Defendants.	)	

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MOTION BY:

Defendants Spin The Planet, Inc.; STP JJ Team 1, LLC, d/b/a Spin The Planet Enterprises, d/b/a Jimmy John's; WTE, Inc.; and Daniel Vansteenburg (collectively, the "STP Defendants")

RELIEF REQUESTED:

Motion To Stay Conditioned on Payment of Costs

BASIS FOR RELIEF REQUESTED:

Pursuant to Fed.R.Civ.P. 41(d), the STP Defendants request that the Court stay this

second-filed action unless and until Plaintiffs pay to the STP Defendants their reasonable costs incurred in defending an action brought by, and subsequently dismissed by Plaintiffs, prior to recommencing the same action against the same Defendants.

SUPPORTING PAPERS:

The STP Defendants' Memorandum of Law In Support Of Their Motion To Stay Conditioned on Payment of Costs

PLACE:

United States District Court Western District of New York U.S. Courthouse.

RETURN DATE

To be determined by the Court.

REPLY:

Pursuant to L.R.Civ.P. 7(a)(1), The STP Defendants intend to file and serve reply papers.

Dated: December 3, 2018

s/ Joseph Sokolowski

Mary L. Fee

Joseph Sokolowski *pro hac vice*

**FREDRIKSON & BYRON, P.A.**

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*Attorneys for STP Defendants*

## CERTIFICATE OF SERVICE

I hereby certify that on December 3, 2018, I caused the attached document to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

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Dated: December 3, 2018

*s/Mary L. Fee*

Mary L. Fee